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THE

INTERIM

A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

MAY 1982

VOL. III, NO. 12

SPECIAL SESSION

NO DATE YET

The administration is reviewing and evaluating all options for relieving the crowded conditions at the state prison and plans to submit a proposal to a special session of the Legislature before summer. This is no longer news, but it still represents the latest word from the Governor's Office at the time of preparation of this issue of the Interim. Just try to keep your options as open as possible from now until June 21.

INTERIM SUBCOMMITTEES

BUSINESS

5TH MEETING
APRIL 30

The Subcommittee on Business will hold its fifth meeting on April 30 at 10:00 a.m. in the Capitol. The committee will hear presentations from Gary Fritz, DNRC, on water development and the economy; Pat Flaherty, DOC Transportation Division on transportation and Montana's economy; John Wilson, DOC Montana Promotion Bureau, on advertising and economic development; and Sen. Tom Towe on the economic development initiative (I #95). The committee will also discuss a staff report on various economic development programs in various states.

EDUCATION

APRIL 19 MEETING

The Joint Subcommittee on Education met April 19 to begin forming recommendations for possible alterations in the school finance structure in Montana.

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FEDERAL FUNDING
CHANGES DETAILED

Superintendent of Public Instruction Argenbright told the committee that Montana might lose 10 to 20% of the \$29 million in present federal funding. The latest figures show a \$1.3 million loss in school lunch aid and a \$250,000 loss in public school Title I money. Adult basic education and vocational education may experience serious cutbacks in funding. Montana will gain funds under the block grant program.

PROPOSAL TO
CHANGE BASIC
COUNTY LEVY
FAVORED

The committee recommended that the 15 mills of the permissive levy be made part of the basic county levy, raising that levy to 55 MILLS PER COUNTY (or 34 mills for elementary and 21 mills for high schools). The committee was told that the full permissive levy has become "mandatory" for all but the wealthiest districts.

SCHOOL DISTRICT
CONSOLIDATION TO
BE ENCOURAGED

The committee asked the staff to develop some alterations in the foundation program schedules that would encourage consolidation, especially of small high schools that are not isolated.

GUARANTEED TAX
BASE CONCEPT TO
BE EXPLORED
FURTHER

The committee expressed an interest in a guaranteed tax base program to cover a portion of the voted levy area of school funding; they requested further information to determine the cost of such a program. The guarantee program would be based on the average or median taxable valuation in the state and the average spending levels for various-sized districts.

The committee also requested further information on specific options for equalizing the school districts' retirement obligations. They discussed various ways that the state, county, and district might share in retirement costs.

FISH AND GAME

GREAT FALLS
MEETING HELD
APRIL 23

The Subcommittee on Fish and Game held its fourth meeting on April 23 in Great Falls. The committee discussed the issue of the Fish and Game Commission hiring a liaison person, and reviewed a staff report on a comparison of warden and biologist positions within the department.

Presentations on the effects of oil and gas development on fish and wildlife were made by Don Allen of the Montana Petroleum Association and by Fish, Wildlife, and Parks Director, Jim Flynn.

The committee conducted field observations of the Giant Springs Hatchery and State Park, and the Heritage State Park during the afternoon.

The evening session was attended by about 25 interested persons. Discussion and testimony covered sportsmen access problems, the cooperative attitude of the department and the legislature in the development of Heritage State Park, and requests for more fishing accesses and wildlife habitat acquisition.

WILD TURKEYS
PROVIDE
HIGHLIGHT
OF SESSION

An unusual and enjoyable presentation was made by Herb Knight, a visitor from California. Mr. Knight is a past president of the National Wild Turkey Federation and an advocate of Montana's Merriam turkeys -- the "Cadillac of turkeys". He demonstrated turkey calling using several mechanical devices, including his pride and joy, a hand-made turkey call made by Turkey George of Arkansas.

The next meeting of the Fish and Game Subcommittee is tentatively scheduled for Friday, May 11 at 9:00 a.m. in Miles City. Chairman Ed Smith and staff are developing an agenda for the meeting.

HIGHWAYS

HIGHWAYS' MEETING
SET FOR
MAY 17 & 18

The sixth meeting of the Joint Subcommittee on Highways will convene at 10 a.m. Monday, May 17, in room 104 of the Capitol.

CHAIR TO BE
SELECTED

First order of business will be to elect a vice chairman to succeed the late Senator John E. Healy (D-Butte) who died since the subcommittee's last meeting. Senator J. D. Lynch, who was appointed to fill the Senate seat, was also named to fill the vacancy on the subcommittee.

DEPARTMENT
DIVISIONS TO
BE REVIEWED

Other items on the Monday agenda include discussions by Gary Wicks, Director of Highways, of the functions of the maintenance division, gross vehicle weight fees, the financial districts, and the reconstruction trust account, and a committee review of the role of the Highway Commission.

PERFORMANCE
AUDITS AND LOCAL
GOVERNMENT ROAD
FUNDS STUDIED

The subcommittee will reconvene at 8:30 a.m. Tuesday, May 18, to hear a general review of the progress of the performance audits of the Department of Highways. Representatives of city and county governments will discuss the needs of local governments for street and road funds. Final item of business will be a review of the revenue package the subcommittee tentatively approved on March 9 and final adoption of recommendations.

JUDICIARY

NUMEROUS
RECOMMENDATIONS
APPROVED
APRIL 23-24

The Judiciary Subcommittee met for the fifth time April 23-24 in Helena. During this two-day meeting, members approved legislation to: permit a county attorney to request the Supreme Court's Sentence Review Division to review a criminal sentence; limit the number of peremptory challenges to judges to one per party in civil cases; require district court clerks in urban counties to implement a random procedure for assigning judges to cases; and eliminate the sunset provision on the district court grant program and mill levy and revise grant procedures. The committee also amended a bill draft to require an attorney to pay transcript costs if he fails to order the trial transcript from the court reporter within ten days after filing notice of appeal.

REDISTRICTING
PLAN ADOPTED

In addition, the committee adopted a tentative judicial redistricting plan that would reduce the number of districts from nineteen to ten and would add two judges. Members also proposed subdistricts within each district for the purposes of residency and location of the judges' offices. The proposal will be circulated among the district court judges and local bar associations for comment.

The committee also began its study of indigent defense services in Montana. Testimony was given on the effectiveness of different methods for providing defense services including assigned counsel, public defender offices, and contracted services. In future meetings, members will consider establishing a statewide public defender system and a public defense coordinator.

The committee will meet again in June.

ADMINISTRATIVE CODE COMMITTEE

MEETING
APRIL 27 & 28

The Administrative Code Committee met on Tuesday and Wednesday, April 27 and 28. On the first day the committee dealt with routine committee business related to executive agency rules, but devoted the entire second day to consideration of draft legislation and various staff memos and studies which could result in legislation relating to agency rulemaking. On Tuesday the committee:

-- Heard and granted a request by the Montana Nursing Homes Association for an economic impact statement on rules proposed by the Department of Social and Rehabilitation Services which would limit the amount of state reimbursement for skilled nursing and intermediate care services;

-- Heard and granted a request by the Department of Social and Rehabilitation Services for a committee recommendation for a reduction in the fees charged by the Secretary of State for the filing of administrative agency rules. The committee has recommended that the Secretary of State reduce the agency filing fee from \$20.00 per page to \$13.50 per page;

-- Heard a status report from the Department of Health and Environmental Sciences on possible amendments to certain solid waste disposal rules;

-- Heard a staff report on action taken by the State Electrical Board with respect to licensure of some applicants and a request by

the committee that the Board join the committee in litigation concerning those licensing actions;

-- Heard a report by the Department of Revenue on the hearing held on April 23 in response to a committee request that it hold a hearing on proposed increases in liquor prices;

-- Heard staff comments on rules proposed by the Commissioner of Political Practices to implement Initiative 85 (the Montana Lobbyist Disclosure Act of 1980);

-- Reviewed 1982 Issue No. 6 of the Montana Administrative Register;

-- Heard a staff report on licensing fees adopted by professional and occupational licensing boards under Chapter 345, L. 1981, which required that licensing boards set fees commensurate with costs.

On Wednesday the Administrative Code Committee:

-- Heard a staff report on the result of litigation involving the Montana Taxpayers' Association and the Department of Revenue in which a statute authorizing the Legislature to amend agency rules by resolution was declared unconstitutional;

-- Reviewed staff reports relating to the establishment of time limitations for executive agencies to adopt administrative rules and on the sunset of executive agency rules;

-- Reviewed the results of a study conducted by the Secretary of State's office relating to duplicate mailing of the Administrative Rules of Montana and the Montana Administrative Register to county clerk and recorders and clerks of the district courts.

-- Requested the committee staff to draft five bills relating to executive agency rulemaking and publication of those rules.

The committee anticipates that its next meeting will be held in late May or early June in Helena.

COAL TAX OVERSIGHT SUBCOMMITTEE

COMMITTEE STUDIES USES OF COAL TAX ALLOCATIONS

The Coal Tax Oversight Subcommittee held a two-day meeting in Billings on April 22 and 23 to discuss the various trust funds within the coal tax allocations. The committee also heard testimony from county land planners and representatives of conservation districts. The next meeting of the committee is scheduled for May 20 and 21 in Great Falls. The committee will tour the Muddy Creek Conservation Project and hear a presentation on saline seep problems. On the 21st the committee has invited representatives of the Department of Fish, Wildlife and Parks, the Historical Society, and the Montana Arts Council to discuss options and alternatives to capping the Parks and Cultural Trust Fund. Other participants in discussions will include the Office of Public Instruction, the Department of Natural Resources and Conservation and the Board of Regents.

REVENUE OVERSIGHT COMMITTEE

SPECIAL SESSION SUBJECTS REQUESTED

The Revenue Oversight Committee met in Helena on April 16 and 17 to discuss committee studies and hear reports from the Department of Revenue. The committee passed two resolutions that asked the Governor, the President of the Senate and the Speaker of the House to include in the agenda of a special session the issues of liquor price increases and problems with SB 337 (Elderly Tax Credit for Homeowners and Renters Bill).

The next meeting of the committee is scheduled in Helena on June 11.

ENVIRONMENTAL QUALITY COUNCIL

HARD ROCK MINING MAY 5 & 6

Rep. Dave Brown, Chairman of the Environmental Quality Council's Subcommittee on Hard-Rock Mining, has called for a series of meetings to be held in Butte and Whitehall on May 5 and 6.

On both days, beginning at 8:00 a.m., a public meeting will be conducted at the War Bonnet Inn in Butte. On May 5, this will involve a

discussion of HB 718. Areas of difficulty as well as modifications to the legislation will be aired and reviewed. The meeting on May 6 will deal with taxation information obtained from the U. S. Bureau of Mines, Minerals Availability Office in Denver. There will also be no-host luncheons held on May 5th at the War Bonnet Inn and on May 6 at the Borden Hotel in Whitehall. The public is being invited to attend and offer comments and opinions relative to the subcommittee's hard-rock mining study.

Following lunch on the 5th, the Subcommittee will tour the Anaconda mining operation in Butte, and in the afternoon of the 6th, there will be a subcommittee tour of Placer Amex's mining facility in Whitehall. For more information, contact EQC staff.

GROUND WATER CONFERENCE A SUCCESS

The Montana Ground Water Conference held in Great Falls on April 22 and 23 attracted approximately 200 participants, including a virtual who's who in ground water from the agricultural, industrial, scientific, and government communities and nearly 20 legislators. The program and subsequent discussions provided participants with a good orientation to the state's vital but little understood ground water resources and management problems. The staffs of the EQC and the Legislative Council are preparing a conference proceedings which will summarize the presentations and conference recommendations.

The EQC and Water Resources Oversight Committees plan to consider ground water issues further to develop recommendations for the next legislature. Watch for a more detailed article on the conference in the next issue of EQ Comments.

LEGISLATIVE AUDIT COMMITTEE

LEGISLATIVE AUDIT COMMITTEE MEETING

The legislative Audit Committee will meet May 3 in room 104 of the Capitol.

RINGWOOD LEGISLATIVE AUDITOR

Robert R. Ringwood has been appointed to the position of Legislative Auditor for the State of Montana. Ringwood worked as a consultant on governmental auditing and accounting with Arthur Andersen and Company since 1979. He was Wisconsin State Auditor from 1968 through 1978.

REPORTS TO BE ISSUED	The committee will receive and review the following financial/compliance audit report: Montana State Library
SUNSET	Hearings will be held on the following sunset reports: Montana Outfitters Council Board of Aeronautics The sunset decision process will be continued on the following reports: Board of Water Well Contractors; Board of Water and Wastewater Operators; Board of Hail Insurance; and Board of Horse Racing
REPORTS AVAILABLE	Copies of all reports are available from the Office of the Legislative Auditor, Room 135, State Capitol, telephone 449-3122.
 LEGISLATIVE COUNCIL	
APRIL 12 MEETING	The Legislative Council met April 12 to discuss general administrative matters. The Council: -- requested the Legislative administration Committees of the Senate and House to work with the Department of Administration in developing guidelines relative to public use of the Senate and House Chambers.
SESSION PRINTING PLANS	-- heard a report from Don Brieby, Administrator Publications and Graphics Division, concerning the division's preparation for the 1983 Legislative session printing.
INITIATIVE REVIEW	-- agreed to sponsor a bill to change the initiative review process by providing for Council legal review prior to official filing of the initiative with the Secretary of State.
NCSL APPOINTMENT	-- appointed Judy Rippengale to NCSL Fiscal Affairs and Oversight Committee at the request of the Finance Committee.
OTHER BUSINESS	-- heard a report on State Library services.

-- delayed a decision concerning Council staff salaries pending consultation with other legislative and executive branch leaders.

NEXT DATE
MAY 17

The Council's next meeting is scheduled for May 17 at 10:00 a.m., room 139 of the Capitol.

BILL STATUS

One item on the May 17 agenda will be a discussion of the computerized legislative daily bill status system and the possibility of interface with the system by private and public agencies.

DISTRICTING AND APPORTIONMENT

56 TENTATIVE
HOUSE DISTRICTS
SET

After generating much public participation and at times heated debate, the Montana Districting and Apportionment Commission concluded its two-day meeting on April 16 and 17 having tentatively established fifty-six house districts in the state. Still remaining to be established are nine districts in Missoula County, five in Silver Bow County, 15 in the combined counties of Lewis and Clark and Cascade, three in Gallatin County, and 12 in Yellowstone County. Probably the most controversial action yet taken by the commission was its decision to divide the city of Cut Bank rather than the Blackfeet Reservation for the district contained within Glacier County. Limitations for creating districts in that area of the state as well as alternative proposals are abundant.

PUBLIC HEARINGS
TO BE HELD

The commission again wishes to emphasize that its decisions are subject to change, as both public sentiment and data are taken into account. Public hearings will be scheduled throughout the summer in the following locations: Kalispell, Missoula, Great Falls, Havre, Bozeman, Wolf Point, Glendive, and Billings.

NEXT: JUNE 12 IN
BUTTE-SILVER BOW

A hearing in Butte-Silver Bow is set for June 12 at a location to be announced.

LEGISLATIVE ADVISORY COMMITTEE ON SJR 34

PROPOSALS
DEVELOPED ON
THREE ISSUES

Since the last committee meeting on March 12 the Task Force has developed a personal care the broadly-applied Roominghouse/Retirement Home license category, and one-step licensing.

Senator Jan Wolf, who chairs the Legislative Advisory Committee and sits on the Task Force which developed the proposal, has met with the Directors of Health and Environmental Sciences, Social and Rehabilitation Services, and Institutions to gain their perspective of the proposal. The directors expressed their commitment to support further development of the proposal if that is the desire of the Legislative Advisory Committee.

COMMITTEE TO
MEET MAY 20

The next meeting of the committee has been set for May 20 in Helena. The meeting will center on consideration of the Task Force-developed proposal and a work plan under which the study may proceed.

SATURDAY

							1
2	3 LEGISLATIVE AUDIT COMMITTEE RM 104 9:00 am	4	5 EOC HARD ROCK MINING Butte 8 am	6 EOC HARD ROCK MINING Whitehall 8 am	7	8 FINANCE COMMITTEE RM 104	
9	10	11	12	13	14	15	
16	17 HIGHWAY COMMITTEE RM 104	18 HIGHWAY COMMITTEE RM 104	19	20 COAL TAX COMMITTEE Great Falls	21 COAL TAX COMMITTEE Great Falls	22	
23	24 LEGISLATIVE COUNCIL RM 139 10 am	25	26	27	28	29	

LEGISLATIVE INTERIM CALENDAR

JUNE

SUNDAY

MONDAY

TUESDAY

WEDNESDAY

THURSDAY

FRIDAY

SATURDAY

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6	7	8	9	10	11 REVENUE OVERSIGHT COMMITTEE Helena	12
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